



DT17 Res'd PET/PTO 03 DEC 2002 #10

**PATENT**  
Attorney Docket No. 7388/72613

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

NAKAGAWARA et al.

Application No. 10/069,723

Filed: February 28, 2002

For: HUMAN lp36 HOMOZYGOUS DELETION REGION

December 3, 2002

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
Washington, D.C. 20231

Pursuant to 37 CFR 1.97 and 1.98, the references listed on the enclosed Form PTO-1449 and/or Substitute Form PTO-1449 ("Form 1449") are submitted for consideration by the Examiner in the examination of the above-identified patent application.

The full consideration of the references in their entirety by the Examiner is respectfully requested and encouraged. Also, it is respectfully requested that the references be entered into the record of the present application and that the Examiner place his or her initials in the appropriate area on the enclosed Form 1449, thereby indicating the Examiner's consideration of each of the references.

The submission of the references listed on the Form 1449 is for the purpose of providing a complete record and is not a concession that the references listed thereon are prior art to the invention claimed in the patent application. The right is expressly reserved to establish an invention date earlier than the above-identified filing date in order to remove any reference submitted herewith as prior art should it be deemed appropriate to do so.

Further, the submission of the references is not to be taken as a concession that any reference represents art that is relevant or analogous to the claimed invention. Accordingly, the right to argue that any reference is not properly within the scope of prior art relevant to an examination of the claims in the above-identified application is also expressly reserved.

The Information Disclosure Statement is being filed:

- (X) **within** any one of the following time periods: (a) within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d); (b) within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 of an international application; (c) before the mailing date of a first Office Action on the merits; or (d) before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.
- ( ) **after** (a), (b), (c) or (d) above, but before the mailing date of a final action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and includes *one* of:
  - ( ) the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below).
  - or*
  - ( ) the fee of \$180 set forth in 37 CFR 1.17(p) (see "Fees" below).
- ( ) **after** the mailing date of a final action under 37 CFR 1.113 or a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and on or before payment of the issue fee, and includes the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).
- ( ) **after** the mailing date of a Notice of Allowance under 37 CFR 1.311, and on or before payment of the issue fee, and **within** thirty days of receiving each item of information contained in the Information Disclosure Statement, and includes the Statement under 37 CFR 1.704(d) (see "Statement under 37 CFR 1.704(d)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).

NOTE: This is for original applications except applications for a design patent, filed on or after May 29, 2000, wherein a paper containing only an Information Disclosure Statement in compliance with 37 CFR 1.97 and 1.98 is being filed.

#### Copies of the References

- (X) Copies of the references listed on the enclosed Form 1449 are enclosed herewith.
- (X) A copy of the Supplementary European Search Report is enclosed herewith.

- ( ) The references listed on the enclosed Form 1449 were previously identified in the parent application(s) of the present application, and copies of the references were furnished at that time. Accordingly, additional copies of the references are not submitted herewith, so as not to burden the file with duplicate copies of references. The Examiner is respectfully requested to carefully review the references in accordance with the requirements set out in the Manual of Patent Examining Procedure. In accordance with 37 CFR 1.98(d), the details of the parent application(s) relied upon for an earlier filing date under 35 USC 120 in which copies of the references were previously furnished are set out below:

U.S. APPLICATIONS		Status ( <i>check one</i> )		
U.S. APPLICATIONS	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
1.				
2.				
3.				

**Statement under 37 CFR 1.97(e)**

- ( ) The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.
- ( ) The **undersigned** hereby states that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

**Statement under 37 CFR 1.704(d)**

- ( ) The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

In're Appln. of NAKAGAWARA et al.  
Application No. 10/069,723

**Fees**

- (X) No fee is owed by the applicant(s).  
( ) The **IDS Fee of \$180** under 37 CFR 1.17(p) is enclosed herewith.

**Method of Payment of Fees**

- ( ) Attached is a check in the amount of \$180.00.  
( ) Charge Deposit Account No. 06-1135 in the amount of \$ . (A duplicate copy of this communication is enclosed for that purpose.)

**Authorization to Charge Additional Fees**

- (X) If any additional fees are owed in connection with this communication, please charge Deposit Account No. 06-1135. (A duplicate copy of this communication is enclosed for that purpose.)

**Instructions as to Overpayment**

- (X) Credit Account No. 06-1135.  
( ) Refund

Respectfully submitted,

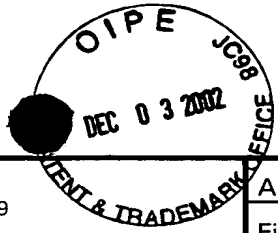
FITCH, EVEN, TABIN & FLANNERY

By: Ramon R Hoch  
Kendrew H. Colton  
Registration No. 30,368

Ramon R. Hoch  
Registration No. 34,108

FITCH, EVEN, TABIN & FLANNERY  
1801 K Street, N.W. - Suite 401L  
Washington, D.C. 20006-1201  
Telephone: (202) 419-7000  
Facsimile: (202) 419-7007

#10



PTO/SB/08A Substitute for Form PTO-1449		Application Number		10/049,723	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)		Filing Date		February 28, 2002	
		First Named Inventor		NAKAGAWARA, Akira	
		Art Unit		To Be Assigned	
		Examiner Name		To Be Assigned	
Sheet	1	of	1	Attorney Docket	7388/72613

### OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
		White et al., 'Molecular Analysis of the Region of Distal 1p Commonly Deleted in Neuroblastoma', European Journal of Cancer, Vol. 33, No. 12, 1997, pp. 1957-1961 - XP004284624	
		Schwab et al., 'Genomic Instability in 1p and Human Malignancies', Genes, Chromosomes & Cancer, 16, (1996) pp. 211-229 - XP001118678	
		Hiraiwa et al., 'A Neuroblastoma Cell Line Derived From A Case Detected Through A Mass Screening System In Japan', Cancer, Vol. 79, No. 10, 1997, pp. 2036-2044 - XP002218785	
		White et al., 'Physical Mapping of the CA6, EN01, and SLC2A5 (GLUT5) Genes and Reassignment of SLC2A5 to 1p36.2', Cytogenetics and Cell Genetics, Vol. 81, No. 1, 1998, pp. 60-64 - XP002218787	
		Spieker et al., 'An Integrated 5-Mb Physical, Genetic, and Radiation Hybrid Map of A 1p36.1 Region Implicated in Neuroblastoma Pathogenesis', Genes Chromosomes & Cancer, Vol. 27, No. 2, February 2000, pp 143-152 - XP002218801	
		Ioannou et al., 'A New Bacteriophage P1-Derived Vector For The Propagation Of Large Human DNA Fragments', Nature Genetics, New York, NY, US, Vol. 6, 1994, pp. 84-89 - XP000770742	

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.